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Letter dated 11 December 1998 from the Permanent Representative of Azerbaijan to the United Nations address to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith the text of a statement adopted by the Ministry of Foreign Affairs of the Republic of Azerbaijan on 10 December 1998 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 38.

(*Signed*) Eldar **Kouliev**
Permanent Representative

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Annex

[Original: Russian]

Statement by the Ministry of Foreign Affairs of the Azerbaijani Republic adopted on 10 December 1998

According to information received by the State Oil Company of the Azerbaijani Republic, on 14 December 1998 an agreement is to be signed between the Islamic Republic of Iran and the Shell and Lasmo oil companies on geological and geophysical prospecting in an area of the Caspian Sea which also includes part of the Azerbaijani sector of the Caspian Sea.

In this connection, the Ministry of Foreign Affairs of the Azerbaijani Republic is authorized to state the following:

In accordance with the principles and rules of international law, the sovereign rights of the littoral States of the Caspian Sea extend to the corresponding national sectors which have been established as a result of the traditional activities of the littoral States in the Caspian Sea.

The traditional activities of Azerbaijan and other littoral States in the Caspian Sea are based on established practice and the precedents in their use of the Caspian Sea, and on the rules of international law in this respect.

In accordance with the generally recognized rules and principles of international law, and in the absence of other treaty provisions limiting the jurisdiction of the littoral States, the de facto tradition of the use of the Caspian Sea within national sectors on the basis of the recognized customary rules of international law remains in effect. On this basis, each sovereign Caspian State develops the mineral resources in its own national sector.

The 1921 Treaty between the Russian Soviet Federative Socialist Republic and Iran and the 1940 Agreement between the Union of Soviet Socialist Republics and Iran, covering questions relating to navigation and fisheries, do not regulate questions relating to the use of the mineral resources of the Caspian Sea. The Union of Soviet Socialist Republics and Iran, proclaiming the Caspian Sea to be a sea belonging to the two States, de facto extended their sovereignty over the corresponding national sectors divided by the Astara-Gasan-Kuli line.

In view of the foregoing, the Iranian side's claims to 20 per cent of the territory of the Caspian Sea are contrary to the rules and principles of international law and the established practice of the littoral States of the Caspian Sea, to which the Islamic Republic of Iran adhered for a long time.

Azerbaijan regards as inadmissible the conclusion of an agreement between the Islamic Republic of Iran and the Shell and Lasmo oil companies on geological and geophysical prospecting in an area of the Caspian Sea which also includes part of the Azerbaijani sector of the Caspian Sea.

In this connection, the Azerbaijani side's view is based on the need to respect the sovereign rights of all the littoral States of the Caspian Sea; it considers that the Iranian side's unilateral and illegal actions undermine the positive trends which have marked the process of determining the legal status of the Caspian Sea and may have adverse effects on strengthening the spirit of cooperation and trust in the Caspian Sea region.